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Via ECF and Hand Delivery

May 20, 2019

The Honorable Naomi Reice Buchwald
United States District Judge
U.S. District Court for the Southern District of New York
500 Pearl Street, Courtroom 21A
New York, New York 10007

Re: *American Society for the Prevention of Cruelty to Animals v. The Animal and Plant Health Inspection Service, et al.*, No. 1:19-cv-03112 (NRB)

Your Honor:

This firm and the undersigned represent Plaintiff the American Society for the Prevention of Cruelty to Animals (“ASPCA”) in the above-captioned action against Defendants the Animal and Plant Health Inspection Service and the United States Department of Agriculture (together, the “Agencies” or the “government”). We write jointly on behalf of the parties to respectfully request that the ASPCA be permitted to file an amended complaint by May 31, 2019, and that the government’s time to file an answer be adjourned from May 24, 2019 and extended until July 1, 2019, thirty days after filing of the amended complaint. The government consents to this request.

The ASPCA filed the complaint on April 8, 2019 concerning a number of Freedom of Information Act (“FOIA”) requests that the ASPCA submitted to the Agencies. *See* Dkt. No. 1. Since then, counsel for the ASPCA and counsel for the government have communicated by phone and email regarding those requests. Based on the information exchanged, the ASPCA believes that an amended complaint updating the factual allegations regarding its requests and providing additional detail regarding their current status would be beneficial for the parties and the Court. Additionally, currently, the government’s answer to the ASPCA’s complaint in this matter is due on May 24, 2019. Dkt. No. 16. In light of the ASPCA’s intent to file an amended complaint, it would be more efficient for that deadline to be adjourned and for the government to instead answer the amended complaint by July 1, 2019.

The government previously requested, with the ASPCA’s consent, an extension of time to answer the complaint from May 10 to May 24, 2019, which the Court granted. *See* Dkt. No. 16. This will be the ASPCA’s first amendment and, as noted, the government consents to the relief requested herein.

We thank the Court for its consideration.



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Respectfully submitted,

COOLEY LLP

/s/ Erin M. Estevez

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cc: Counsel of record (via ECF)